<div align="center">**REMARKS**</div>

I.   General

Claims 1-68 are pending in the present application. Claims 1-7 and 38-40 stand rejected under 35 U.S.C. § 102. Claims 8-10 stand rejected under 35 U.S.C. § 103. Claim 40 stands rejected under 35 U.S.C. § 112. Claims 11-37 and 41-68 stand withdrawn from consideration as being directed to unelected subject matter. Applicant respectfully traverses the rejections of record.

Claim 6 has been amended to clarify the invention as recited therein. Specifically, claim 6 has been amended to expressly recite data relating to a merchandise order. No new matter has been added because clear support for the amended language appears in the specification at pages 12 and 13.

II.   Improper Finality of Restriction Requirement

The restriction requirement is made final in the present Office Action. In making the restriction requirement final, the Office Action states that Applicant's traversal on the grounds that restriction of Groups II to VII are improper is not found persuasive because Groups II to VII are directed toward inventions that are different and distinct from the invention of Group I and required detailed search in areas other than the area of Group I, see the Office Action at page 2. However, Applicant pointed out that the restriction requirement does not identify which of the proffered claim groupings are asserted to form a subcombination and which are asserted to form a combination and, therefore, the required showing of two-way distinctness has not been made. Accordingly, the restriction requirement is improper and making such an improper restriction requirement final without the required showing of two-way distinctness as between an identified combination and subcombination is also improper. Applicant respectfully requests that the finality of the restriction requirement be withdrawn and either a proper restriction requirement be made of record or all of the pending claims be examined.

III.   The 35 U.S.C. § 112 Rejection

Claim 40 stands rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Office Action states that claim 40 recites a limitation "the order" for which insufficient

antecedent basis is provided in the claim. In response, Applicant has amended claim 40 to delete recitation of "the order" and insert therefor "the PIN information message". This amendment is believed to fully redress the 35 U.S.C. § 112 rejection of record and does not alter the scope of the claim, but rather presents language consistent with that of the base claim from which it depends. No new matter has been added.

IV.   The 35 U.S.C. § 102 Rejection

Claims 1-7 and 38-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Adams et al., patent number 6,631,186 (hereinafter *Adams*). Applicant respectfully traverses the rejection of record.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). The disclosure of *Adams* does not teach the identical invention as recited in the claims.

A.   The Independent Claims

Claim 1 recites "creating a data message containing updated data within one of the systems . . . ." In rejecting this aspect of the claims, the Office Action relies upon the Service Management System (SMS) of *Adams* to meet the recited call processing system and the Service Control Point (SCP) of *Adams* to meet the external system and states that "WEB CLIENT 30 selects data to be sent to the Service Management System," see the Office Action at page 3. Even assuming the assertions in the Office Action are accurate, the limitations of claim 1 are not met because the WEB CLIENT of *Adams* (not the SMS or SCP) creates the data message, see e.g., column 7, lines 61-64.

Claim 1 further recites "sending a receipt acknowledgement message to the system that sent the data message . . . ." In rejecting this aspect of the claims, the Office Action states that "SMS sends acknowledgment to the subscriber that instructions have been received and implemented," see the Office Action at page 4. However, the subscriber is not the system that is relied upon as either the call processing system or the external system of

claim 1 and, therefore, cannot be the system that sent the data message as set forth in the claim.

As shown above, the rejection of record does not establish that the applied art teaches every element of claim 1 nor that the identical invention is shown in as complete detail as set forth in claim 1. Accordingly, Applicant respectfully asserts that claim 1 is allowable over the rejection of record. Moreover, as the dependent claims add additional new and non-obvious limitations, claims 2-7 are asserted to be patentable at least for the reasons set forth above with respect to claim 1.

Claim 38 recites exchanging data between a call processing system and an external system in connection with maintaining personal identification number (PIN) information. As with claim 1 discussed above, the rejection of record relies upon the Service Management System (SMS) of *Adams* to meet the recited call processing system and the Service Control Point (SCP) of *Adams* to meet the external system, see the Office Action at page 5. Although *Adams* discusses entry of a PIN by a subscriber for modifying a call forwarding service status, Applicant can find no disclosure in *Adams* teaching exchanging data between the SMS and the SCP in connection with maintaining PIN information, see e.g., column 14, lines 24-33.

Claim 38 further recites "sending a PIN information message to the call processing system from a persistent store-and-forward message queue . . . ." Applicant's review of *Adams* does not reveal any disclosure of sending a PIN information message to the SMS (relied upon by the Examiner to meet the call processing system) from a persistent store-and-forward message queue. Moreover, Applicant's review of *Adams* does not reveal any disclosure of a store-and-forward message queue whatsoever. In rejecting this aspect of the claims, the rejection of record points to portions of *Adams* wherein call forwarding service status is stored by an SMS or SCP. However, there is no disclosure provided therein with respect to sending a PIN information message to the SMS from a persistent store-and-forward message queue or any other message queue.

Claim 38 recites "modifying a database within the external system according to the PIN information message when the PIN information message is received by the call processing system . . . ." Accordingly, there is a temporal aspect to claim 38 wherein a

database of the external system is modified according to the PIN information message upon the PIN information message being received by the call processing system. In contrast to the foregoing, the rejection of record relies upon the SMS storing the data message before forwarding the data message to the SCP, see the Office Action at page 5. Assuming, *arguendo*, that the statement in the Office Action is true, the above identified temporal aspect of the claim is not met.

As shown above, the rejection of record does not establish that the applied art teaches every element of claim 38 nor that the identical invention is shown in as complete detail as set forth in claim 38. Accordingly, Applicant respectfully asserts that claim 38 is allowable over the rejection of record. Moreover, as the dependent claims add additional new and non-obvious limitations, claims 39 and 40 are asserted to be patentable at least for the reasons set forth above with respect to claim 38.

B.   The Dependent Claims

The dependent claims incorporate the limitations of the independent claims from which they depend. Accordingly, dependent claims 2-7, 39, and 40 are asserted to be patentable at least for the reasons set forth above with respect to claims 1 and 38. Moreover, the dependent claims recite additional novel and non-obvious limitations further distinguishing the claims over the art of record.

For example, claim 2 recites one of the systems is a Database of Record. As taught in the specification, a Database of Record is a main database which stores a complete information record and updates main data tables, see page 5, lines 15-19. The disclosure of *Adams* does not provide any disclosure with regard to the SMS or SCP thereof comprising a Database of Record as set forth in the claim.

Claim 3 recites that the data message communicated between the call processing system and the external system contains data written in a self-describing format. Similarly, claim 39 recites that the PIN information message communicated to the call processing system is written in a self describing format. In rejecting these claims, the Office Action states that *Adams* discloses data messages in a standard mark-up language developed by the World Wide Web Consortium, see the Office Action at page 4. However, a review of *Adams* reveals that the disclosure merely mentions that Jigsaw Web server software, available from

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World Wide Web Consortium, may be used, see column 14, lines 3-5. Moreover, there is no hint or suggestion of the use of a self-describing format with respect to a data message communicated between the call processing system and an external system.

Claim 4 specifically recites the use of the XML format with respect to the data message communicated between the call processing system and the external system. Similarly, claim 40 recites that the PIN information message contains data written in XML format. There is nothing in the disclosure of *Adams* to teach or suggest the use of the XML format, nor has the Examiner shown otherwise.

Claim 5 recites that the data message communicated between the call processing system and the external system contains data relating to a telephone call placed on a telephone in communication with the call processing system. In contrast to the recited limitation, *Adams* teaches communication of call forwarding service instructions, applicable only to future calls, between the SMS and the SCP, see e.g., column 5, lines 63-67.

Claim 6 recites that the data message communicated between the call processing system and the external system contains data relating to a merchandise order placed on a telephone in communication with the call processing system. The disclosure of *Adams* is insufficient to render this aspect of the claims unpatentable.

V.   The 35 U.S.C. § 103 Rejections

Claims 8 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Adams* in view of Rosenhaft et al., patent application publication number 2002/0059148 (hereinafter *Rosenhaft*). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Adams* in view of Dikmen, patent number 6,549,613 (hereinafter *Dikmen*). Applicant respectfully traverses the rejections of record.

To establish a *prima facie* case of obviousness, three basic criteria must be met, see M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the second criteria, Applicant

respectfully asserts that the references lack proper motivation to combine in addition to lacking all the claim limitations.

Initially it is pointed out that the disclosure of *Adams* does not meet the limitations of the base claim from which each of claims 8-10 depend. Moreover, the secondary references provided in the rejections of record are not relied upon to cure the deficiencies identified with respect to the disclosure of *Adams*. Therefore, a *prima facie* case of obviousness has not been established with respect to claims 8-10. Moreover, the limitations recited by these dependent claims are not present in the applied art.

For example, claim 8 recites that the external system is a commissary system. In rejecting claim 8, the rejection of record relies upon *Rosenhaft* teaching an SSP which delivers a data message to a data fulfillment platform which identifies a product code to complete a remote vending purchase, see the Office Action at page 7. Even with the modification to *Adams* proffered in the rejection of record, the claim limitation would not be met. Specifically, the SCP of *Adams* (relied upon as the external system) would be in communication with a fulfillment platform and would not itself be a commissary system.

Claim 9 recites that the external system is the Law Enforcement Management System (LEMS). In rejecting claim 8, the rejection of record relies upon *Dikmen* teaching a Communications Assistance for Law Enforcements solution wherein a SCP interrupts call processing and causes the end-office switch to sent the call to a delivery function instead of delivering the call to its teal destination, see the Office Action at page 9. The proffered modification does not result in the SCP of *Adams* (relied upon as the external system) being a Law Enforcement Management System (LEMS).

The Office Action concedes that *Adams* does not meet the limitations of claim 10 with respect to the sending of an initial request and the sending a response to the initial request prior to the creation of the data message. However, the Office Action states that various SSP and SCP interaction taught by *Rosenhaft* meets this aspect of the claims. Applicant points out that the initial request, response to the initial request, and data message are transmitted between the call processing system and the external system. *Adams* modified in light of the SSP and SCP interaction taught by *Rosenhaft* does not provide the requisite communication.

As shown above, the rejections of record do not establish a *prima facie* case of obviousness with respect to claims 8-10. Accordingly, Applicant respectfully asserts that the claims are allowable over the 35 U.S.C. § 103 rejections of record.
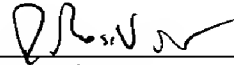
VI. Summary

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 63134/P008US/10211756 from which the undersigned is authorized to draw.

Dated: July 2, 2004   Respectfully submitted,

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